

March 4, 2009

VIA ELECTRONIC FILING

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re:: CC Docket No. 96-45 Petition of TracFone Wireless, Inc. for Modification of
Public Safety Answering Point Certification Condition
EX PARTE PRESENTATION

Dear Ms. Dortch:

This letter is submitted on behalf of TracFone Wireless, Inc. in connection with its above-captioned pending petition for modification of the public safety answering point certification condition. That condition, imposed by the Commission in 2005 as part of the Commission's grant of TracFone's petition for forbearance, requires TracFone to obtain from every public safety answering point (PSAP) where it offers Lifeline service certification that TracFone Lifeline customers have access to 911 and E911 service without regard to activation status or availability of prepaid minutes. In its petition for modification, TracFone has proposed that it be allowed to self-certify that its customers have access to 911 and E911 if the PSAPs fail to provide the certification within ninety (90) days of such a request. Before self-certifying as to 911 and E911 access, TracFone would first confirm with its underlying carrier(s) serving the area covered by the PSAP that the carrier(s) route 911 calls from TracFone customers in the same manner as they route 911 calls from their own retail customers.

As an accommodation to comments received by the Commission from certain entities, including the District of Columbia Office of Unified Communications, TracFone proposes that the following condition be included in an order granting TracFone's petition:

If a PSAP denies a certification request within 90 days, the denial must be supported with evidentiary proof that TracFone Lifeline customers do not have access to 911 and E911 without regard to activation status or availability of prepaid minutes. That is, the PSAP must provide proof, including test results, that 911 calls from TracFone handsets did not reach the PSAP's 911 call center or that E911 location information was not provided to the PSAP. No other reason for denial of a certification request by any PSAP shall be acceptable.

If a PSAP denies a certification request based upon proof that Lifeline customers do not have access to 911 or E911, as described in the preceding paragraph, then TracFone and the PSAP shall have a second 90 day period to retest. During that period, TracFone and the PSAP shall work cooperatively with TracFone's underlying network operators As necessary to determine why 911 calls are not being received by the PSAP or why location information is not being provided, and what measures can be undertaken to correct the situation. If it is determined at any time during that 90 day period that TracFone Lifeline customers have access to 911 and E911, then the PSAP shall immediately provide the necessary certification.

The initial 90 day period shall commence on the date that the certification request is communicated by TracFone to the PSAP in any manner (*e.g.*, letter, e-mail, or telephonic), even where the initial request was made prior to the effective date of a Commission order approving this process.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter being filed electronically. If there are questions about the proposal contained herein, please communicate with undersigned counsel for TracFone.

Respectfully submitted,



Mitchell F. Brecher

Cc: Mr. Scott Deutchman
Mr. Scott Bergmann
Mr. Nicholas Alexander
Ms. Dana Shaffer
Ms. Jennifer McKee